



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/293,266

04/16/99

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A00513

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TM02/1130

EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

11/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/239,266

Applicant(s)  
Bennett et al.

Examiner  
Bill Deane

Group Art Unit  
2642



☒ Responsive to communication(s) filed on Sep 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1 - 4, 8 - 11 and 14 - 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,049,594 (Furman et al.).

With respect to claims 1, 3, 8, 10, 14, 16 Furman et al teach a method and system comprising receiving a dialed service code from a calling party (Col. 3, lines 48 - 56), retrieving a list of parties previously called by the calling party (Col. 5, lines 22 - 34), generating and communicating to the calling party an audio message based on the list (Col. 9, lines 20 - 25 and Col. 13 lines 61 - 64), receiving a dialed input from the calling party indicating a selected party from the list and initiating a call between the calling party and the called party ( Col. 7, lines 37 - 42).

With respect to claim 2, 9 and 15, note Col. 9, lines 32 - 33

With respect to claim 4, 11 and 17, note Col. 6, lines 41 - 45.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 - 7, 12 - 13 and 18 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman et al in view of U.S. Patent No. 6,076,121 (Levine)

Furman et al teaches the claimed device as discussed supra except for the use of vertical service codes and also with respect to claim 7 a PIN. Note that Levine teaches vertical service codes which are less than seven digits (Col. 12, lines 1 - 19). It would have been obvious to one of ordinary skill in the art to have provided the use of vertical codes as taught by Levine in the device and method of Furman et al. as such would only entail the substitution of one known code for another.

With respect to claim 7 and the use of a PIN by a customer, note Col. 5, lines 13 - 21 of Furman et al. It would have been obvious to one of ordinary skill in the art to use an ID to designate customers in order to ensure privacy. In addition, with respect to claim 7, the limitation of generating a second audio message comprising a second plurality of names would have been obvious to one of ordinary skill in the art as such would only entail ~~generating another~~ audio message containing a plurality of names which is taught by Furman et al.

*CM*

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*Response to Arguments*

5. Applicant's arguments with respect to claims 1 - 19 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306 - 5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308-6306.

*WJD*

WJD

November 20, 2000

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